

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DISTRICT

JEROME ROSS and
ERNESTINE ROSS,

Plaintiffs,

v.

PROGRESSIVE SPECIALTY
INSURANCE COMPANY,

Defendant.

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CIVIL ACTION NO.: 2:07-cv-792-WKW

AMENDED COMPLAINT

PARTIES

1. The Plaintiff, Jerome Ross, is an adult resident citizen of Pike County, Alabama, and at all times related herein was an employee of the Defendant, Tony Lester D/B/A Lester Logging, Goshen Alabama
3. The Defendant, Tony Lester D/B/A Lester Logging (hereinafter Lester) at all times hereto was the employer of Jerome Ross and was doing business in Pike County, Alabama
4. The Defendant, Progressive Speciality Insurance Company, is the insurance company that insured Tony Lester's company vehicles and the Plaintiff's individual vehicles. Said insurance included under-insured motorist coverage and medical coverage.

FACTS

6. On or about June 21, 2005, the Plaintiff, while under the employment of the Defendant, Lester Logging, was traveling on U.S. Highway 231 in Pike County, Alabama, when his vehicle was struck by another vehicle driven by Brandon

Cavottes Neal, an underinsured motorist.

7. As a direct result and proximate consequence of the traffic the Plaintiff sustained injuries and damages. Soon after the accident he became lame and sore, suffered pain to his back, shoulder, spine, neck and lower extremities.. The Plaintiff undertook medical treatment for his injuries and has continued to do so to date.
8. While the Plaintiff did return to work, his functions were limited because of his pain. The Plaintiff took pain medication and drunk alcoholic beverages in an attempt to cope with pain.
9. The Defendant, Lester Logging, eventually terminated the Plaintiff's employment because of his alcohol use and inability to work..
10. The Plaintiff filed a claim against the driver and owner's insurance carrier, and received policy limits as to their insured. However, the policy limits received in the amount of \$20,000.00, does not cover all of the Plaintiff's injuries and damages nor does it cover medical costs to date. Furthermore, the Plaintiff needs one or more costly operation on his back that have not been paid for and are estimated to exceed \$40,000.00.
11. The Plaintiff was covered under Tony Lester's and Ernestine Ross's under-insured motorist coverage at the time of the accident. Said coverage included stacking for two vehicles.

COUNT ONE

12. The Plaintiff realleges and adopts all of the preceding paragraphs as if stated herein full.
13. The Defendant issued a policy of automobile insurance to Plaintiff, Plaintiff's wife, Ernestine Ross and Tony Lester, owner of the vehicle which included under-insured motorist coverage and medical coverage. Said policy was in force on the date of the

collision.

14. On or about the 21- day of June, 2005, in Pike County, Alabama, Plaintiff was injured in a collision with a vehicle negligently operated by Brandon Cavottes Neal, who was at that time an under-insured motorist.
15. As a proximate result of the negligence of said under-uninsured motorist, Plaintiff was caused to suffer and incur injuries and damages to his back., shoulder, spine, neck and lower extremities.
16. On or about May 2007, the Plaintiff made a claim with the Defendant for benefits under the under-insured motorist provisions of said policy.
17. Defendant denied said claim or has failed to reasonably act on said claim.

WHEREFORE, the Plaintiff demands judgement against the Defendants in the sum of \$80,000.00, plus costs.

/s/ WILLIAM K. ABELL
William K. Abell (ABE001)

JURY DEMAND

The **Plaintiffs** demand a trial by jury on all issues so

OF COUNSEL:
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CERTIFICATE OF SERVICE

I hereby _____ that I have served a true and correct copy of the foregoing document to all counsel of record, as listed below, by electronically filing, on this the _____ day of May, 2008.

OF COUNSEL

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